

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHERYL BALDEO,

Plaintiff,

- against -

DEREK LEWIS, D.D.S., P.C..

Defendants.

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ECF FILING

Docket No.: 05 Civ. 00205 (SCR)

**COMPLAINT
PLAINTIFF DEMANDS
A JURY TRIAL**

Plaintiff, Plaintiff, **SHERYL BALDEO**, by , by her att, by her attorneys, **GOODSTEIN**
complaining of the Defendant, alleges as follows:

1. This is an action to remedy the failure of Defendant to properly pay This is an action to
overtime overtime at overtime at overtime at the rate of time-and-a half as required by the Fair Labor Standards A
et et seq. Jurisdiction is conferred upon this Court by 29 USC §216 (b) of the Fair et seq. Jurisdiction is conferred upo
by 28 USC §1331, this action arising under by 28 USC §1331, this action arising under the laws by 28 USC §1331
action arising under Acts of Congress regulati action arising under Acts of Congress regulating commerc
pendent jurisdiction pendent jurisdiction Plaintiff claims failure to pay wages due and pendent jurisdiction
State Labor Law §198.

PARTIES

2. Plaintiff Plaintiff is a female former employee of Plaintiff is a female former employee of Defe
Avenue, Apt. 25, Bronx, New Avenue, Apt. 25, Bronx, New York 10458. Plaintiff s employment terminated as
2004.

3. D Defendant Defendant DEREK LEWIS, D.D.S., P.C. (hereinafter Lewis) is Defe

professional corporation organized pursuant to the laws professional corporation organized pursuant to the laws of
110110 Lockwood Avenue110 Lockwood Avenue, Suite 110 Lockwood Avenue, Suite 101, New Rochelle,
employeremployer engaged in interstatecommerce and subject to the Fair Labor Stan
et seq.) and to the New York State Labor Law (Labor Law §§190 et seq.)

FACTS

4. PlaintiffPlaintiff was hired by Defendant as an office Plaintiff was hired by Defendant
facility.facility. Defendant agreed to pay Plaintiff, with a forty (40) hour work week, at an hourly rate of
Twenty Five (\$25.00) Dollars,

5. PlaintiffPlaintiff worked extra hours per week over and above Forty (Plaintiff worked ext
week.

6. Plaintiff s regular rate of pay was Twenty (\$25.00) Dollars per hour.

AS AND FOR A FIRST CAUSE OF ACTION

7. AlthoughAlthough Plaintiff worked overtimeAlthough Plaintiff worked overtime during th
16, 2004, she did not receive proper overtime compensation for this period.

8. PlaintiffPlaintiff earned \$25.00 per hour, so her ratePlaintiff earned \$25.00 per hour, so
Seven Dollars Fifty Cents (\$37.50) per hour.

9. PPlaintiffPlaintiff did not receive proper overtime payment, in violation of Plaintiff did
Labor Standards Act, although she worked more than forty (40) hours per week.

10. Defendant s failure to pay Plaintiff overtime was willful.

AS AND FOR A SECOND CAUSE OF ACTION
PENDENT CAUSE OF ACTION

11. From July, 2002 through October 16, 2004, Plaintiff was denied overtime in violation of Labor Law §190 et seq. §198, and therefore this is wage violation of Labor L missing wages.

WHEREFORE, Plaintiffs request that this Court enter an Order determining:

On the New York State Labor Law §198 Cause of Action

- (a) That Defendant violated the New York State Labor Law;
- (b) DeDeclaringDeclaring that Defendant s violation of the New York State Labor Law was willful;
- (c) AwardingAwarding Plaintiff during the period July, 2002 throughAwarding Plaintiff 20042004 a payment of \$37.50 per hour for all hours overtime worked per week during the period;
- (d) Finding that refusal to pay Plaintiffs the correct wages required was willfulwillful and awarding Plaintiffs an additional amount as willful and award damagesdamagesdamages equal to twenty five (25%) percent of the total amount of wages found to be due; and
- (e) Awarding Plaintiffs reasonable attorney s fees.

On The Fair Labor Standards Act Cause of Action

- (a) Determining that Defendant violated Code USC §201 et seq.) for the Code USC §201 et seq. and including October 16, 2004;
- (b) Determining that Defendant's violation of the Fair Labor Standards Act was willful;
- (c) Granting Plaintiff time-and-a-half a each and every hour worked overtime during the period;
- (d) Granting Plaintiff an equal amount in the period dating three (3) years before the filing of this and
- (e) Awarding Plaintiff her cost and reasonable attorneys fees together with such other and further relief as to the Court seems just and proper.

Dated: New Rochelle, New York
January 7, 2005

Yours, etc.,

GOODSTEIN & WEST

By: /s/
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